IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2732 OF 2006

IN

APPEAL (lodging) NO. 549 OF 2006

IN

NOTICE OF MOTION NO. 1174 OF 2006

IN

SUIT NO. 1049 OF 2006

M/s. Nandu Enterprises & Ors. ... Appellants
(Org.Defts.Nos.1 to 4)

Versus

Himanshu Pravinchand Jhaveri & Ors. Respondents

Mr. D.H.Mehta i/b. Mr. N.M.Shah for the appellants.

Mr. Subamaniam i/b. Ms. Pallavi Sharma for Respondent No.1.

Mr. Kapil More i/b. Markand Gandhi & Co. for Respondents Nos. 5 to 7.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.

DATE : 23rd July, 2007.

P.C.

1. We have heard learned Counsel for the appellants.

2. Assuming that sufficient cause has been shown for the condonation of delay in filing the appeal, considering that the order impugned in the Appeal is an ad-inteim order, we see no reason to interefere with the same. What is further to be seen is that there is no dispute that there was an agreement between the appellants i.e. defendants Nos. 1 to 4 and the father of the respondents Nos. 2 to 4 for handing over possession of flat in lieu of tenanted premises. That according to the appellants, there are disputes amongst the persons entitled to the flat would not entitle the defendants Nos. 1 to 4 to continue in possession of the flat. Therefore, we find no illegality in the order passed by the learned Single Judge appointing Receiver on the property. In any case, that order has already been implemented, the Receiver has taken possession and the plaintiff has already been appointed as agent of the Court Receiver.

3. Hence, the Motion and the Appeal are disposed of.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)